

Kelly Yi
4646 Minorca Way
Buena Park, CA 90621

Defendant, In Pro Per

2017 MAY 16 PM 3:48

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: 

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LACV17 03684-JEW-ASx

KENSINGTON CAPITALS, LLC,

) CASE NO.:

Plaintiff(s),

vs.

) NOTICE OF REMOVAL

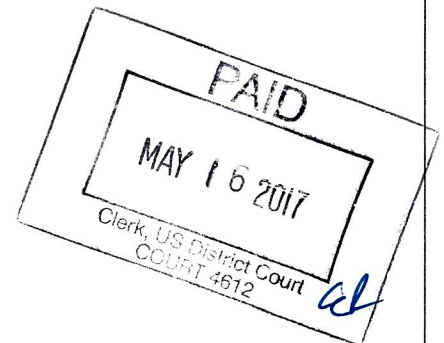
) PURSUANT TO 28 U.S.C. §§ 1441 and 1332

) [FEDERAL QUESTION]

KELLY YI,

And DOES 1-5, inclusive,

Defendant(s).



TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE CENTRAL
DISTRICT OF CALIFORNIA AND THE HONORABLE UNITED STATES DISTRICT JUDGE,
AS ASSIGNED:

ORIGINAL

1 PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and §§ 1446, Defendant Kelly Yi
2 (hereinafter “Defendant”) hereby provides this Notice of Removal based on a Federal Question.

3
4 **I. THE REMOVED CASE**

- 5 1. The removed case is a civil action filed on April 21, 2017 with the Superior Court of
6 California, County of Orange, North Justice Center, located at 1275 No. Berkeley Ave.,
7 Fullerton, CA 92838, assigned case no.: 30-2017-00915969-CL-UD-NJC.
- 8 2. As required by 28 U.S.C. § 1446(a) and Local Rule 4.02, copies of all process, pleading,
9 orders, and other papers or exhibits filed in the State Court are attached as Exhibit A.

10 **II. THE REMOVAL IS TIMELY**

- 11 3. Plaintiff commenced this action on April 21, 2017. Defendant answered the action on April
12 26, 2017. Hence this Notice of Removal is timely filed within 30 days of receipt of the
13 initial pleading and within one year of the commencement of the action.

14 **III. THE VENUE REQUIREMENT IS MET**

- 15 4. Venue of this removal is proper under 28 U.S.C. §§ 1441(a) in the Central District of
16 California, because the Superior Court of California, County of Orange, North Justice
17 Center, located at 1275 No. Berkeley Ave., Fullerton, CA, 92838, is within the jurisdiction
18 of the Central District Court of California, Southern Division.

19 **IV. GROUNDS FOR REMOVAL**

- 20 5. Plaintiff is a “Debt Collector” as defined by FDCPA 15 U.S.C. § 1692a.
- 21 6. Defendant alleges Plaintiff violated Defendant’s rights as defined by 15 U.S.C. § 1601 *et*
22 *seq.* of the Truth in Lending Act (“TILA”).
- 23 7. FDCPA 28 U.S.C. § 1331 states that district courts “have original jurisdiction of all civil
24 actions arising under the Constitution, laws, or treaties of the United States.”
- 25 8. Thus, the State Court action may be removed to this Court by Plaintiff in accordance with
26 the provisions of 28 U.S.C. § 1441(a) because this action is pending within the Superior
27 Court of California, County of Orange, North Justice Center, located at 1275 North Berkeley
28 Ave, Fullerton, CA 92832.

9. Pursuant to 28 U.S.C. § 1446(d), written notice of removal of this action will be promptly served to Plaintiff's and a Notice of Filing of the Notice of Removal was filed with the Clerk of the Superior Court of California, County of Orange, North Justice Center, located at 1275 North Berkeley Ave, Fullerton, CA 92832.

Respectfully Submitted,



Kelly Yi

EXHIBIT A

SUMMONS
(CITACION JUDICIAL)
UNLAWFUL DETAINER-EVICTION
(RETENCIÓN ILÍCITA DE UN INMUEBLE-DESALOJO)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Kelly Yi; Does 1 to 5

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Kensington Capitals, LLC

ELECTRONICALLY FILED
 Superior Court of California,
 County of Orange

04/21/2017 at 10:18:22 AM

Clerk of the Superior Court
 By Vicky Huang, Deputy Clerk

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

1. The name and address of the court is:
 (El nombre y dirección de la corte es):


Superior Court of California-North Justice Center
 1275 N. Berkeley Ave.
 Fullerton, CA 92832

CASE NUMBER:
 (Número del caso): 30-2017-00915969-CL-UD-NJC

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
 (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
 Steven D. Silverstein Steven D. Silverstein
 14351 Red Hill Ave., Suite G (714) 832-3651
 Tustin, CA 92780

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400-6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date: 04/21/2017 DAVID H. YAMASAKI, Clerk of the Court

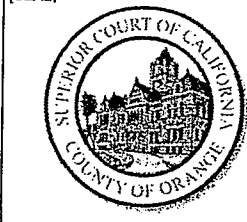
Clerk, by , Deputy (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

Vicky Huang

[SEAL]



4. NOTICE TO THE PERSON SERVED: You are served

- a. ☒ as an individual defendant.
 b. ☐ as the person sued under the fictitious name of (specify):
 c. ☐ as an occupant
 d. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ CCP 415.46 (occupant) ☐ other (specify):

5. ☐ by personal delivery on (date):

SUM-130

PLAINTIFF (Name): Kensington Capitals, LLC	CASE NUMBER:
DEFENDANT (Name): Kelly Yi	

6. **Unlawful detainer assistant** (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

- a. Assistant's name:
- b. Telephone no.:
- c. Street address, city, and ZIP:

- d. County of registration:
- e. Registration no.:
- f. Registration expires on (date):

ELECTRONICALLY FILED
Superior Court of California,
County of Orange

04/21/2017 at 10:18:22 AM
Clerk of the Superior Court
By Micky Huang, Deputy Clerk

STEVEN D. SILVERSTEIN
ATTORNEY AT LAW
14351 Redhill Ave., Suite G
Tustin, CA 92780
714-832-3651
BAR NO: 86466

Attorney for Plaintiff

Superior Court of the State of California
County of Orange, North Justice Center

Kensington Capitals, LLC)	Case No. 30-2017-00915969-CL-UD-NJC
)	
Plaintiff,)	Complaint for
)	Unlawful Detainer
v.)	[CCP SEC.1161a]
)	
)	Possession
)	Under \$10,000.00
Kelly Yi;)	
)	
DOES 1 TO 5;)	
)	
Defendants,)	

Plaintiff, Kensington Capitals, LLC alleges:

1. Plaintiff, Kensington Capitals, LLC , is a limited liability company (hereinafter Kensington).

2. Defendant, Kelly Yi; (collectively hereinafter Yi) is, and at all times relevant herein is, an adult residing within the jurisdiction of the Court.

3. The true names and capacities of the Defendant sued herein as DOES 1 TO 5, are unknown to Plaintiff, who thereafter sues this Defendant by this fictitious name. Plaintiff will amend this Complaint to include the true names and capacities of this Defendant

1 when the same have been ascertained. Plaintiff is informed and believes,
2 and thereon alleges, that the fictitiously named Defendant claims a right
3 under the named Defendant to possession of the premises against Plaintiff.

4 4. Defendant, Yi, herein, is the former owner of the premises.

5 5. On or about 4/7/17, the residential real property located
6 4646 Minorca Way, Buena Park, Orange County, Ca 90621 and situated in the
7 above-captioned judicial district (hereinafter PREMISES), was sold by way
8 of a non-judicial foreclosure sale wherein which title of the PREMISES
9 became vested with Kensington.

10 6. Title to the PREMISES was duly acquired by reason of a trustee's
11 non-judicial foreclosure sale in accordance with the terms of the deed of
12 trust executed by Defendant, Yi, herein, or a person under whom Defendant
13 claimed possession of the PREMISES. Said trustee's sale was duly
14 conducted in accordance with the law after notice properly given, and more
15 than three months thereafter, and having given such notice of the terms
16 and place of said sale in accordance with the provisions of Section 2924
17 of the California Civil Code, said trustee did sell the PREMISES and
18 executed and delivered to Kensington a deed thereto which contains the
19 recital of compliance with law as set forth in Civil Code Section 2924.
20 By reason thereof, title to the PREMISES has been duly perfected by
21 Kensington.

22 7. On or about 4/17/17, Plaintiff caused to be served upon the
23 defendant a Three/Ninety Day Notice to Quit and deliver possession of the
24 PREMISES (hereinafter NOTICE) stating that Plaintiff had purchased the
25 PREMISES and that his title had been duly perfected and demanding the
26 Defendant, Yi, quit the premises within three days after service of the
27 NOTICE. Said NOTICE was served by posting a copy in a conspicuous place
28

1 of the PREMISES therein described, there being no person of suitable age
2 or discretion to be found at the PREMISES, and by depositing said copies
3 in the United States Mail, in an envelope with postage fully prepaid,
4 addressed to the Defendant, Yi at the place where the PREMISES is located.
5 A true and correct copy of the NOTICE is attached hereto as Exhibit 2 and
6 incorporated herein by reference.

7
8 8. More than three days have elapsed since the service of said NOTICE
9 upon the Defendant, Yi, and Defendant has failed and refused to deliver
10 up possession and continues in possession of the PREMISES without
11 Plaintiff's permission or consent.

12 9. The reasonable rental value of the PREMISES is \$76.67 per day,
13 and the damages to Plaintiff proximately caused by Defendant, Yi's unlawful
14 detention have accrued at that rate so long as Defendant remains in
15 possession of the PREMISES.

16 10. Plaintiff will remit all sums in excess of the jurisdiction of
17 this Court.

18 WHEREFORE, Plaintiff, prays judgment as follows:

- 19 1. For restitution and possession of the PREMISES;
20 2. For \$76.67 per day from 4/21/17 until entry of judgment;
21 3. For Costs of suit incurred herein; and
22 4. For such other and further relief as the Court may deem proper.

23
24 Dated: 4/21/17

25 STEVEN D. SILVERSTEIN
26 Attorney for Plaintiff
27
28

NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER. READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT. CP10.5

1. If you live here and you do not complete and submit this form, you may be evicted without further hearing by the court along with the persons named in the Summons and Complaint.
2. You must file this form within 10 days of the date of service listed in the box on the right hand side of this form.
 - **Exception:** If you are a tenant being evicted after your landlord lost the property to foreclosure, the 10-day deadline does not apply to you and you may file this form at any time before judgment is entered.
3. If you file this form, your claim will be determined in the eviction action against the persons named in the complaint.
4. If you do not file this form, you may be evicted without further hearing.
5. If you are a tenant being evicted due to foreclosure, you have additional rights and should seek legal advice immediately.

CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address):		TELEPHONE NO.:	FOR COURT USE ONLY
ATTORNEY FOR (Name):			
NAME OF COURT: Superior Court of California			
STREET ADDRESS: 1275 N. Berkeley Ave.			
MAILING ADDRESS:			
CITY AND ZIP CODE: Fullerton, CA 92832			
BRANCH NAME: North Justice Center			
Plaintiff: Kensington Capitals, LLC			
Defendant: Kelly Yi			
PREJUDGMENT CLAIM OF RIGHT TO POSSESSION			CASE NUMBER:
Complete this form only if ALL of these statements are true: 1. You are NOT named in the accompanying Summons and Complaint. 2. You occupied the subject premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is in the accompanying Summons and Complaint.) 3. You still occupy the subject premises.			(To be completed by the process server) DATE OF SERVICE: (Date that form is served or delivered, posted, and mailed by the officer or process server)

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (specify):
2. I reside at (street address, unit no., city and ZIP code):
4646 Minorca Way
Buena Park Ca 90621
3. The address of "the premises" subject to this claim is (address):
4646 Minorca Way
Buena Park Ca 90621
4. On (insert date): , the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (This date is in the accompanying Summons and Complaint.)
5. I occupied the premises on the date the complaint was filed (the date in item 4). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date in item 4).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (Filing fee) I understand that I must go to the court and pay a filing fee of \$ or file with the court an "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file the form for waiver of court fees, I will not be entitled to make a claim of right to possession.

(Continued on reverse)

CP10.5

Plaintiff: Kensington Capitals, LLC Defendant: Kelly Yi	CASE NUMBER:
--	--------------

11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.
12. I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

NOTICE: If you fail to file this claim, you will be evicted without further hearing.

13. **Rental agreement.** I have (*check all that apply to you*):

- a. ☐ an oral or written rental agreement with the landlord.
b. ☐ an oral or written rental agreement with a person other than the landlord.
c. ☐ an oral or written rental agreement with the former owner who lost the property to foreclosure.
d. ☐ other (*explain*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim to possession, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

- NOTICE TO OCCUPANTS -

YOU MUST ACT AT ONCE if all the following are true:

1. You are **NOT** named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.
3. You still occupy the premises.

You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form if you cannot pay the fee), YOU WILL BE EVICTED.

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. *If you do not file this claim, you may be evicted without a hearing.*

THREE/NINETY DAY NOTICE TO QUIT

(Foreclosure Holdover - C.C.P. 1161a)

TO: KELLY YI

and DOES 1 to 5 inclusive, all occupants and any other persons in possession of the premises known as:

4646 MINORCA WAY, BUENA PARK, CA 90621

PLEASE TAKE NOTICE THAT WITHIN THREE (3) DAYS after the service on you of this notice, you are hereby required to quit, vacate, remove, surrender and deliver up possession of the above described premises to the undersigned who is authorized to receive same. If you fail to quit possession of the premises within the three (3) days allowed by law, the undersigned will institute legal proceedings against you to recover possession of said premises, recover holdover damages, treble and statutory damages and the cost of the suit.

THIS NOTICE is given pursuant to Section 1161a of the California Code of Civil Procedure.

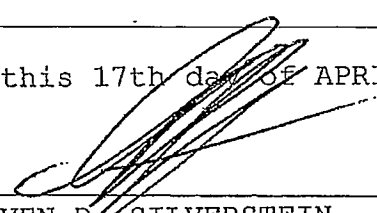
You are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit or legal obligations.

IF YOU ARE A TENANT, YOU AND ALL PERSONS IN POSSESSION

ARE HEREBY NOTIFIED that the tenancy under which you occupy the premises shall end ninety (90) days after the date of service of copy of this notice upon you and you are required to quit and deliver up possession of the premises to the undersigned on or before that date.

IF YOU FAIL TO DO SO, legal proceedings will be instituted against you for possession of the premises, for forfeiture of the rental agreement and for such monetary damages as may be allowed by law.

Dated this 17th day of APRIL, 2017.


STEVEN D. SILVERSTEIN
ATTORNEY AT LAW
14351 REDHILL AVE. SUITE G
TUSTIN, CA 92780
714-832-3651

KENSINGTON CAPITALS, LLC

OWNER

NOTICE TO ANY RENTERS LIVING AT

4646 MINORCA WAY, BUENA PARK, CA 90621

The attached notice means that your home was recently sold in foreclosure and the new owner plans to evict you.*

You should talk to a lawyer NOW to see what your rights are. You may receive court papers in a few days. If your name is on the papers it may hurt your credit if you do not respond and simply move out.

Also, if you do not respond within five days of receiving the papers, even if you are not named in the papers, you will likely lose any rights you may have. In some cases, you can respond without hurting your credit. You should ask a lawyer about it.

You may have the right to stay in your home for 90 days or longer, regardless of any deadlines stated on any attached papers. In some cases and in some cities with a "just cause for eviction law," you may not have to move at all. But you must take the proper legal steps in order to protect your rights.

HOW TO GET LEGAL HELP

If you cannot afford an attorney, you may be eligible for free legal services from a non-profit legal services program. You can locate these non-profit groups at the California Legal Services website (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp) or by contacting your local court or county bar association.

This cover sheet is being provided in accordance with California Code of Civil Procedure §1161c.

~~** DISCLAIMER: The content of this cover sheet is mandated by California law and does not necessarily reflect the new owner's plans.~~

#14

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF ORANGE

I have read the foregoing UNLAWFUL DETAINER SUMMONS AND COMPLAINT

and know its contents.

☐ CHECK APPLICABLE PARAGRAPHS☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.☒ I am ☐ an Officer ☐ a partner ☒ a AN AGENT of PLAINTIFFa party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☒ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.☐ I am one of the attorneys for

a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on April 21, 2017, at TUSTIN, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.X Paul Downer

Type or Print Name

X [Signature]

Signature

PROOF OF SERVICE

1013a (3) CCP Revised 5/1/86

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of

, State of California.

I am over the age of 18 and not a party to the within action; my business address is:

On, _____ I served the foregoing document described as _____

on _____

in this action

☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list;
☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:☐ BY MAIL☐ *I deposited such envelope in the mail at _____, California.
The envelope was mailed with postage thereon fully prepaid.☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at _____ California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing-in-affidavit.

Executed on _____, at _____, California.

☐ ** (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on _____, at _____, California.

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. --

Type or Print Name

Signature

*(BY MAIL SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN MAIL SLOT, BOX, OR BAG)

**(FOR PERSONAL SERVICE SIGNATURE MUST BE THAT OF MESSENGER)

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Rev. 7/99

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

KENSINGTON CAPITALS, LLC

DEFENDANTS (Check box if you are representing yourself ☒)

KELLY YI; DOES 1 TO 5

(b) County of Residence of First Listed Plaintiff ORANGE

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant ORANGE

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

STEVEN D. SILVERSTEIN, ATTORNEY AT LAW
14351 RED HILL AVE., SUITE G
TUSTIN, CA 92780
TEL: 714-832-3651

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

KELLY YI
4646 MINORCA WAY
BUENA PARK, CA 90621
TEL: 714-742-3600**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES—For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☐ 1. Original Proceeding ☒ 2. Removed from State Court ☐ 3. Remanded from Appellate Court ☐ 4. Reinstated or Reopened ☐ 5. Transferred from Another District (Specify) ☐ 6. Multidistrict Litigation - Transfer ☐ 8. Multidistrict Litigation - Direct File

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION under F.R.Cv.P. 23:** ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input checked="" type="checkbox"/> 290 All Other Real Property TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 American with Disabilities-Employment <input type="checkbox"/> 446 American with Disabilities-Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement FORFEITURE/PENALTY <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Ret. Inc. Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405 (g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY:

Case Number:

CV-71 (07/16)

CIVIL COVER SHEET

Page 1 of 3

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

QUESTION A: Was this case removed from state court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.	STATE CASE WAS PENDING IN THE COUNTY OF: <input type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo <input checked="" type="checkbox"/> Orange <input type="checkbox"/> Riverside or San Bernardino		INITIAL DIVISION IN CACD IS: Western Southern Eastern
QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question C. If "yes," answer Question B.1, at right.	B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co? <i>check one of the boxes to the right</i> ➔	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question B.2.	
	B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> ➔	YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there. NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.	
QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," skip to Question D. If "yes," answer Question C.1, at right.	C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co? <i>check one of the boxes to the right</i> ➔	YES. Your case will initially be assigned to the Southern Division. <input type="checkbox"/> Enter "Southern" in response to Question E, below, and continue from there. <input type="checkbox"/> NO. Continue to Question C.2.	
	C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> ➔	YES. Your case will initially be assigned to the Eastern Division. <input type="checkbox"/> Enter "Eastern" in response to Question E, below, and continue from there. NO. Your case will initially be assigned to the Western Division. <input type="checkbox"/> Enter "Western" in response to Question E, below, and continue from there.	
QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D.1. Is there at least one answer in Column A? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there. If "no," go to question D2 to the right. ➔	D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below. If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓		
QUESTION E: Initial Division?	INITIAL DIVISION IN CACD		
Enter the initial division determined by Question A, B, C, or D above: ➔	SOUTHERN		
QUESTION F: Northern Counties?			
Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

IX(a). IDENTICAL CASES: Has this action been previously filed in this court? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

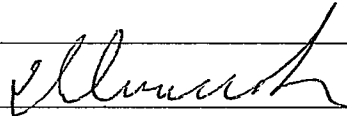
- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- ☐ A. Arise from the same or a closely related transaction, happening, or event;
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT):  DATE: 5-16-17

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))